

Attorney Docket No. 4216.260-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Royer *et al.*

Confirmation No. 3928

Serial No.: 09/461,537

Group Art Unit: 1636

Filed: December 15, 1999

Examiner: Marvich, M.

For: Non-Toxic, Non-Toxigenic, Non-Pathogenic *Fusarium* Expression System and Promoters and Terminators for Use Therein

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7/26/03

AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated January 14, 2003, please amend the above-captioned application as follows:

IN THE CLAIMS

Please cancel claim 26 without prejudice or disclaimer. The following is the status of the claims of the above-captioned application, as amended.

Claim 26 (cancelled).

①
Claim 27 (previously added): A method for producing a heterologous protein comprising: (a) culturing a non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell comprising a nucleic acid sequence operably linked to a promoter encoding the heterologous protein, wherein the host cell has the identifying characteristics of the non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell of ATCC 20334; and (b) isolating the heterologous protein.

Claim 28 (previously added): An isolated non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell, having the identifying characteristics of *Fusarium venenatum* ATCC 20334, comprising a nucleic acid sequence encoding a heterologous protein.